

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA Title III

No. 17-BK-3283-LTS  
(Jointly Administered)

DRIVETRAIN, LLC, in its capacity as the trustee of the  
Commonwealth Avoidance Actions Trust,

Plaintiff,

v.

BARCLAYS CAPITAL, *et al.*,

Defendants.

Adv. Proc. No. 19-280-LTS

**ORDER**

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

This matter is before the Court on the Plaintiff's *Motion for Issuance of Summonses* (Dkt. No. 50) and the *Motion for Issuance of Summons* (Dkt. No. 51) (together, the "Motions"). Through the Motions, Drivetrain<sup>2</sup> requests that this Court issue Drivetrain's proposed summonses, attached to its Motions, so that it may serve the Second Amended Complaint to certain defendants. (See, e.g., Dkt. No. 50 at 4-5). In the proposed summonses, Drivetrain has amended the language of the summons concerning the defendants' deadline to respond to the Second Amended Complaint, stating that the defendants are "required to file a motion or answer to the complaint, which is attached to this summons, with the clerk on or before February 13, 2023, or as such other time as may be agreed between the parties, pursuant to the Court's June 10, 2022 Order (ECF No. 42, ¶ 3)."

This Court's standard operating procedure is that, beyond including the necessary party information, the summons issued by the Clerk of Court should be unaltered. The language included in the summons importantly identifies the deadlines for the defendants to respond under the applicable Bankruptcy Rules. While the Court has entered an order extending the defendants' deadline to respond to the Second Amended Complaint, notice of such order should be separately served on the defendants and not provided through amendment to the summons.

Accordingly, the Motions are DENIED without prejudice to renewal upon the Plaintiff's submission of proposed summonses that comply with DPR Modified PROMESA B2500A Summons in an Adversary Proceeding B2500A (Form 2500A)(05/21).

This Order resolves Dkt. Nos. 50 and 51.

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<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motions.

SO ORDERED.

/s/ Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

DATED: September 21, 2022